

MEETING MINUTES

OFFENDER REGISTRATION WORKING GROUP

DATE: August 11, 2009

TIME: 1:00-3:30

LOCATION: Johnson County Adult Probation

ATTENDANCE:

John T Liddell – Coffey County Sheriff's Office
Tamara C Danner- Coffey County Sheriff's Office
David Dohe- Lincoln County Sheriff's Office
Les Richards- Lincoln County Sheriff's Office
Michelle L McMillin- Saline County Sheriff's Office
Roberta Alexander- Cloud County Sheriff's Office
Jessica Hall- Saline County Sheriff's Office
Wesley Vaughn- Reno County Sheriff's Office
Jacob Westfall- Harvey County Sheriff's Office
Sarah Cope- Marion County Sheriff's Office
Ashley Johanning- Marion County Sheriff's Office
Rick Whitby- Wyandotte County Sheriff's Office
Sherry Anderson- Wyandotte County Sheriff's Office
Shelly Rexrode- Wyandotte County Sheriff's Office
Gary Borstelman- Johnson County Sheriff's Office
Sheila Wacker- Johnson County Sheriff's Office
Melissa Purkeypile- 13th Judicial District Community Corrections
David A Ricke- Butler County District Judge
Al W Deathe- Douglas County Sheriff's Office
Phil Stein- Johnson County District Attorney
Chris Miller- Jackson County Sheriff's Office
Vivien Olsen- Prairie Band Potawatomi Nation
Keomi Johnson- Sedgwick County Sheriff's Office
Lisa Flemming- Johnson County Court Services
Jennifer Shank- Montgomery County Sheriff's Office
Toni Schmidt- Franklin County Sheriff's Office
Dana White- Franklin County Sheriff's Office
Reba Tolbert- Chautauqua County Sheriff's Office
Kayla Kirchner- Chautauqua County Sheriff's Office
Dan Gibb- AAG Kansas Attorney General's Office
Erik Wood- KBI
Laura Graham- KBI
Shelia Sawyer- Tyler- KBI
Nicole Heptig- KBI

MINUTES OF THE MEETING:

1. Erik Wood called the meeting to order and introduced himself. The remaining attendees introduced themselves.
2. Erik provided a briefing of the last Working Group Meeting. Copies of the ORWG meeting agenda, the revised copy of proposed legislation changes, 2 recent Supreme Court Rulings (Adrian Reese and C.P.W), and CASCOT training agenda were provided.
3. Erik and AAG Dan Gibb met with Senator Owen in regards to the legislative plan for 2010. It was stated that Owen confirmed that anything proposed will not pass but wants a status report. Then the judiciary committee will make a determination on whether it goes beyond the committee and into law.
4. The following decisions have already been made in reference to the Adam Walsh Act: Retroactivity application and the juvenile portion of SORNA. Both of these portions are officially off the table.
5. The AG will not go less than a Level 5 person felony on aggravated non-compliance. It was proposed whether they should then have to register for life. Butler County District Judge David Riche proposed making aggravated non-compliance a level 4 person felony and changing the wording to not include 180 days but to include second time FTR.
6. Johnson County Attorney, Phil Stein, stated it is hard to get a conviction on failure to comply because most offenders are just irresponsible and it's not their intent to be malicious. He thinks aggravated non-compliance should just be for second or third time FTR's.
7. Legislation language needs to be revised on who shall register the offender upon conviction. Melissa Purkeypile, with the 13th Judicial District Community Corrections, proposed that there needs to be a position created for who is responsible for telling the offender they need to register. Suggestions were the judge, court clerk, or the person who does the offenders fingerprints. Erik decided that he would do some further research on who would be best for this position.
8. Sedgwick County Sheriff's Office's deputy Keomi Johnson expressed her concerns about transients. Language needs to be changed to make it more clear on how often transients need to go to their local Sheriff's Office to register and when do they have to pay the \$20 fee. Some thoughts were that they need to pay every time, only in the designated months, or if there should be a maximum amount that each offender shall pay in each county. It was decided that it is up to that county to decide how often they are going to require transients to register and that they are only required to pay in their designated months.
9. The SMART office wants a preliminary compliance packet to see if meet the Adam Walsh Act. Kansas' extension is over in July 2009. If we re-submit the new packet, we could get another extension until 2011 to become compliant.

10. CASCOM training is going to be held at the KHP Training Academy in Salina on October 12th and 13th. The Department of justice will be hosting this and further information will be provided upon registration. Registration is open to the first 40 applicants.

11. Current statute does not allow "Registered Offender" to be on the driver's license but only a distinguishing number. It would take \$10,000 to fix this problem and once the funds are in order, new licenses will be issued. Currently the courts can order the license to not have the "RO" marking on it.

12. Only July 1, 2009, Kansas Legislature modified the drug statutes under Senate Bill 2236. It will not change what crimes require registration and it will only affect those offenders convicted under the new statutes. The changes are:

65-4159 is now 21-36a03(a)

65-7006 is now 21-36a09(a)

65-4161 is now 21-36a05(a)(1)

13. On June 16, 2009 the Missouri Supreme Court ruled that SORNA applies retroactively. Therefore, Missouri is trying to find over 4,000 offenders that they let go in 2006, that were exempt from registering, and the KBI is currently working on finding over 100 offenders whose last known address, place of employment, or were attending school in Kansas. Letters will be sent to the offenders last known address and the local Sheriff's Office.

14. Two recent Kansas Supreme Court Rulings were brought to attention. In the matter of C.P.W., it was decided that prosecution does not have to prove there was criminal intent for failure to comply because it is not a strict liability crime. In the matter of Adrian Reese, it was decided that a juvenile adjudication and an adult conviction do not require for lifetime registration since it is not a second or subsequent conviction.

15. On July 30, 2009, the KBI now has the ability to restrict certain convictions from the website and let publicly releasable convictions to appear on the website.

16. The next ORWG meeting will be Tuesday, January 12th at 1:00 p.m. It will be hosted by Saline County Sheriff's Office at 251 N 10th, Salina, KS 67402. If you need directions, you may call Michelle McMillin at 785-826-6500.

17. Agenda to be announced for the next meeting. Send Erik an email of any items you would like to be discussed.

18. Meeting adjourned at about 3:30 p.m.